


A U S T I N C I T Y C O U N C I L

**AGENDA****Thursday, June 22, 2006** [Back](#)

#91

**Zoning Ordinances/Restrictive Covenants  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject: C14-05-0198 - Highland Center - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the northwest corner of Cactus Lane and Redd Street (also known as 2101-2117 West Ben White Blvd.) (Williamson Creek Watershed) from multi-family residence-medium density (MF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on March 2, 2006. Vote: 7-0. Applicant: 2101 W. Ben White Boulevard, Inc. (Avalon Burrows); Winona Fielder. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Wendy Walsh, 974-7719.**

**Additional Backup Material**

(click to open)

 [Staff Report](#)**For More Information:**

## **SECOND / THIRD READINGS SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-05-0198

**REQUEST:**

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northwest corner of Cactus Lane and Redd Street (also known as 2101 – 2117 West Ben White Boulevard (Williamson Creek Watershed) from multi-family residence – medium density (MF-3) district zoning to community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay establishes a set of prohibited and conditional uses based on permitting automobile sales as the only GR use and all neighborhood commercial (LR) uses. The Restrictive Covenant addresses the planting of 2-inch caliper, Class I native trees (for example, cedar elm) spaced 20 feet apart, on center. The plantings must occur prior to a change in use or the issuance of a building permit. This requirement will result in the planting of approximately 29 trees, based on the Redd Street frontage of 500 feet and the Cactus Lane frontage of 100 feet.

**DEPARTMENT COMMENTS:**

The Conditional Overlay and Restrictive Covenant incorporate the conditions imposed by the City Council at First Reading.

**OWNERS/APPLICANTS:** 2101 W. Ben White Boulevard, Inc. (Avalon Burrows); Winona Fielder.

**AGENT:** Shaw Hamilton Consultants (Shaw Hamilton)

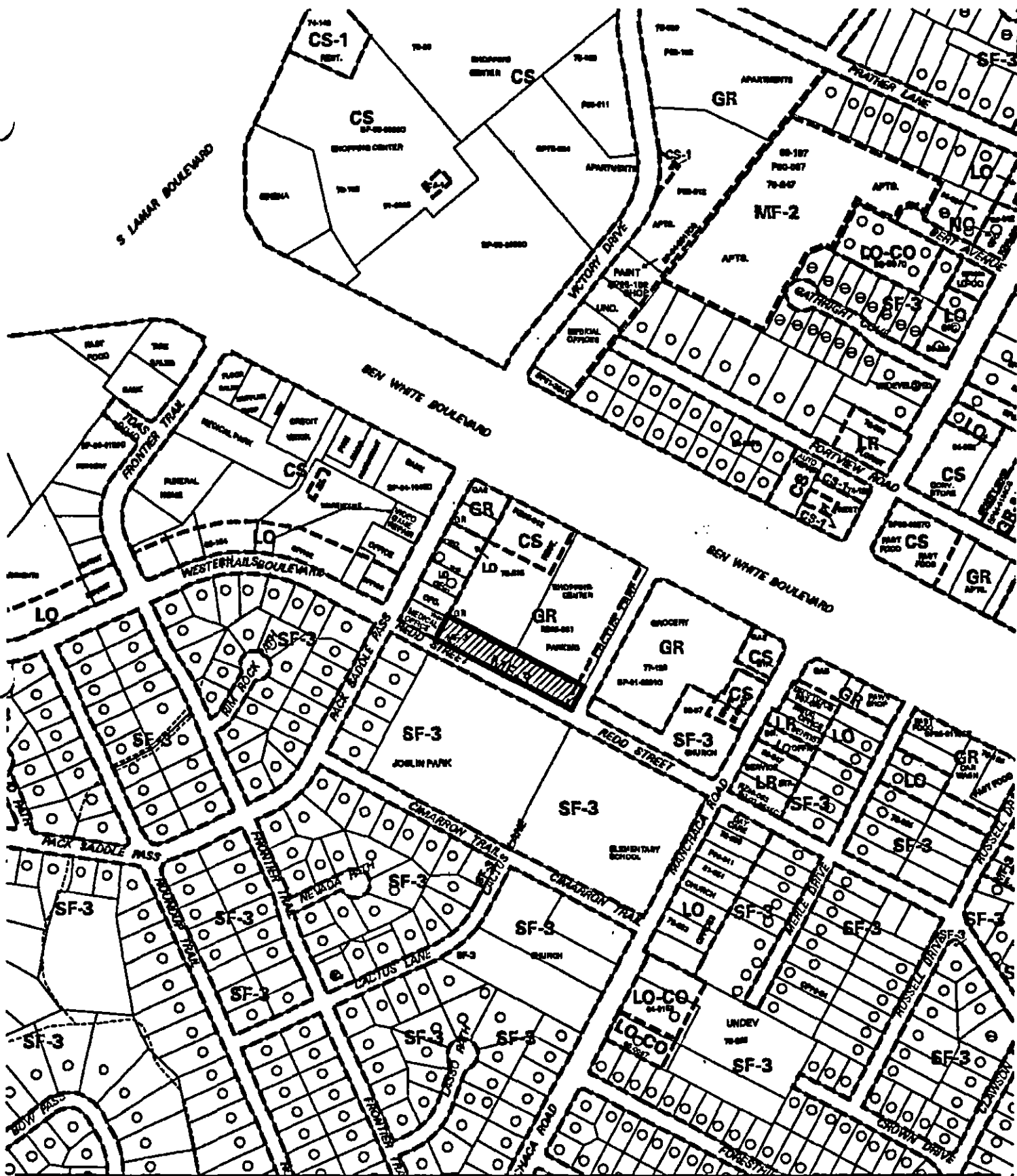
**DATE OF FIRST READING:** March 2, 2006, approved GR-CO district zoning, on First Reading (7-0).

**CITY COUNCIL HEARING DATE:** June 22, 2006

**CITY COUNCIL ACTION:**

**ORDINANCE NUMBER:**

**ASSIGNED STAFF:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		<b>ZONING</b>  CASE #: C14-05-0198 ADDRESS: 2101 - 2117 W BEN WHITE BLVD SUBJECT AREA (acres): 2.920	CITY GRID REFERENCE NUMBER Q19
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: WWALSH			
			DATE: 05-12	
			INTLS: SM	

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT THE NORTHWEST CORNER OF CACTUS LANE  
3 AND REDD STREET, ALSO KNOWN AS 2101-2117 WEST BEN WHITE  
4 BOULEVARD, FROM MULTIFAMILY RESIDENCE MEDIUM DENSITY (MF-3)  
5 DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-  
6 CO) COMBINING DISTRICT.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
9

10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from multifamily residence medium density (MF-3) district to  
12 community commercial-conditional overlay (GR-CO) combining district on the property  
13 described in Zoning Case No. C14-05-0198, on file at the Neighborhood Planning and  
14 Zoning Department, as follows:  
15

16 A 42,209 square foot tract of land, more or less, out of the James Trammel 1/3  
17 League, Abstract No. 769 in Travis County, the tract of land being more  
18 particularly described by metes and bounds in Exhibit "A" incorporated into this  
19 ordinance (the "Property"),  
20

21 locally known as the northwest corner of Cactus Lane and Redd Street, also known as  
22 2101-2117 West Ben White Boulevard, in the City of Austin, Travis County, Texas, and  
23 generally identified in the map attached as Exhibit "B".  
24

25 PART 2. The Property within the boundaries of the conditional overlay combining district  
26 established by this ordinance is subject to the following conditions:  
27

28 1. The following uses are prohibited uses of the Property:  
29

30 Automotive rentals	Automotive repair services
31 Automotive washing (of any type)	Bail bond services
32 Business or trade school	Business support services
33 Commercial off-street parking	Communications services
34 Drop-off recycling collection facility	Exterminating services
35 Food preparation	Funeral services
36 General retail sales (general)	Hospital services (general)
37 Hotel-motel	Indoor entertainment

1 Indoor sports and recreation  
2 Outdoor sports and recreation  
3 Personal improvement services  
4 Restaurant (general)

Outdoor entertainment  
Pawn shop services  
Research services  
Theater

5  
6 2. The following uses are conditional uses of the Property:

7  
8 Community recreation (private)  
9 Congregate living  
10 Hospital services (limited)  
11 Medical offices (exceeding 5000 sq.ft.  
12 of gross floor area)

Community recreation (public)  
Group homes (Class II)  
Residential treatment

13  
14 Except as specifically restricted under this ordinance, the Property may be developed and  
15 used in accordance with the regulations established for the community commercial (GR)  
16 base district and other applicable requirements of the City Code.

17  
18 PART 3. This ordinance takes effect on \_\_\_\_\_, 2006.

19  
20  
21 PASSED AND APPROVED

22  
23  
24  
25 \_\_\_\_\_, 2006

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

26  
27  
28  
29  
30 APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

31 David Allan Smith  
32 City Attorney

Shirley A. Gentry  
City Clerk

C14-05-0198

**EXHIBIT A**  
**CARSON AND BUSH**  
**PROFESSIONAL SURVEYORS, INC.**  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

OCTOBER 11, 2005

**FIELD NOTE DESCRIPTION OF 42,209 SQUARE FEET OF LAND OUT OF THE JAMES TRAMMEL 1/3 LEAGUE, ABSTRACT NO. 769 IN TRAVIS COUNTY, TEXAS BEING A PORTION OF THAT CERTAIN (2.92 ACRE) TRACT OF LAND AS CONVEYED TO ALFRED E. FIELDER BY DEED RECORDED IN VOLUME 2984, PAGE 1856 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF THAT CERTAIN (2.87 ACRE) TRACT OF LAND AS CONVEYED TO 2101 W. BEN WHITE BOULEVARD, INC. BY DEED RECORDED IN VOLUME 8111, PAGE 714 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;**

**BEGINNING** at a ½" iron pipe found in the Northeasterly right-of-way line of Redd Street, at the Southwest corner of that certain (2.87 acre) tract of land as conveyed to the 2101 W. Ben White Boulevard, Inc. by deed recorded in Volume 8111, Page 714 of the Deed Records of Travis County, Texas, same being a point in the Southeasterly line of Lot 1, Block H, Western Trails Section 3, a Subdivision in Travis County, Texas according to the map or plat thereof recorded in Volume 8, Page 73 of the Plat Records of Travis County, Texas and the Southwest corner and **PLACE OF BEGINNING** of the herein described tract, from which a ½" iron pipe found in the Southwest right-of-way line of Redd Street at the Northwest corner of that certain (5.89 acre) tract of land as conveyed to the City of Austin by deed recorded in Volume 1326, Page 149 of the Deed Records of Travis County, Texas, same being the Northeast corner of Lot 5, Block G, Western Trails Section 2, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Volume 8, Page 73 of the Plat Records of Travis County, Texas, bears, S 29 deg 26'17" W 59.00 ft.

**THENCE** leaving the Northeasterly right-of-way line of Redd Street with the common line of said Lot 1 and 2101 W. Ben White Boulevard, Inc. tract, N 29 deg 27'24" E, passing a ½" iron rod found at a distance of 69.82 ft. for the Northeast corner of said Lot 1, same being the Southeast corner of Lot 2, Block H, Western Trails Section 2, continuing along said bearing for a total distance of 85.00 ft. to a point for the Northwest corner of the herein described tract;

**THENCE** crossing the interior of said 2101 W. Ben White Boulevard, Inc. (2.87 acre) tract, S 60 deg 15'39" E 248.08 ft. to a point in the Southeast line of said 2101 W. Ben White Boulevard, Inc. (2.87 acre) tract, same being a point in the Northwest line of that certain (2.92 acre) tract of land as conveyed to Alfred E. Fielder by deed recorded in Volume 2981, Page 1856 of the Deed Records of Travis County, Texas;

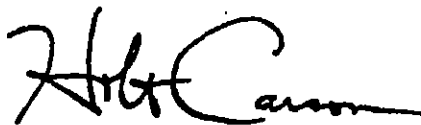
**THENCE** crossing the interior of said Fielder (2.92 acre) tract, S 60 deg 15'39" E 248.33 ft. to a point in the Southeast line of said Fielder (2.92 acre) tract, same being a point in the Northwest right-of-way line of Cactus Lane for the Northeast corner of the herein described tract;

**THENCE** with the Northwest right-of-way line of Cactus Lane, same being the Southeast line of said Fielder (2.92 acre) tract, S 29 deg 12'30" W 85.00 ft. to a point in the Southeast line of said Fielder (2.92 acre) tract, same being the record Northeast corner of that certain tract of land as conveyed to the City of Austin by Street Deed recorded in Volume 3011, Page 943 of the Deed Records of Travis County, Texas for the Southeast corner of the herein described tract, from which a 1" iron pipe found bears, S 29 deg 12'30" W 10.00 ft. and S 60 deg 16' E 2.20 ft.;

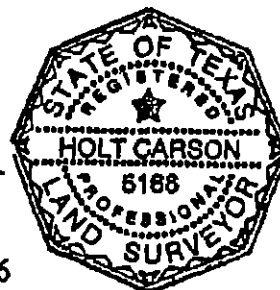
**THENCE** crossing the interior of said Fielder (2.92 acre) tract with the Northeasterly right-of-way line of Redd Street and with the record Northeast line of said City of Austin tract, N 60 deg 15'39" W 248.33 ft. to a point in the Northwest line of said Fielder (2.92 acre) tract, for the Northwest corner of said City of Austin tract, also being the Southeast corner of said 2101 W. Ben White Boulevard, Inc. (2.87 acre) tract;

**THENCE** with the Northeast right-of-way line of Redd Street, same being the Southwest line of said 2101 W. Ben White Boulevard, Inc. (2.87 acre) tract, N 60 deg 15'39" W 248.44 ft. to the **PLACE OF BEGINNING**, containing 42,209 Square Feet of land.

Surveyed: August 17, 2005



Holt Carson  
Registered Professional Land Surveyor No. 5166

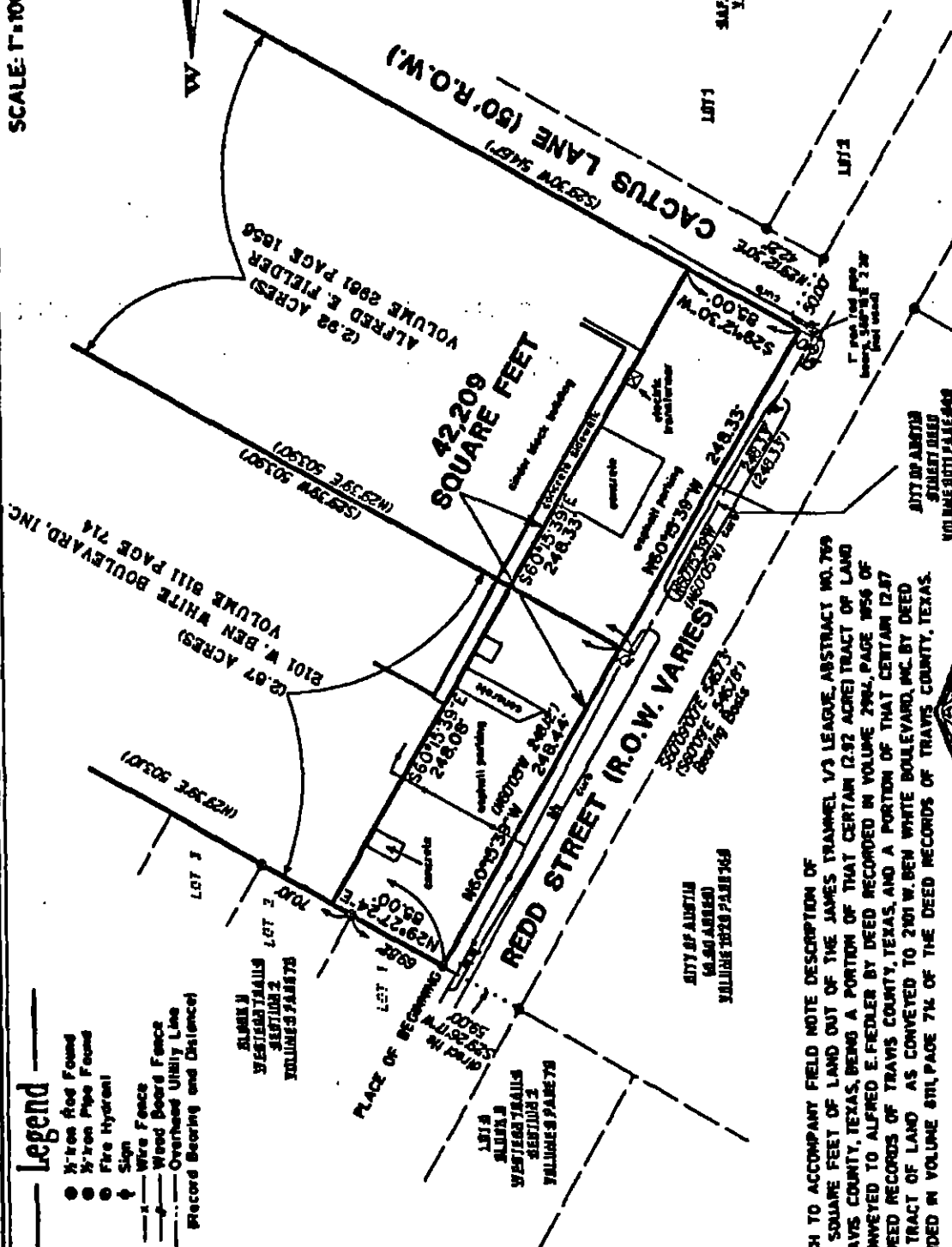
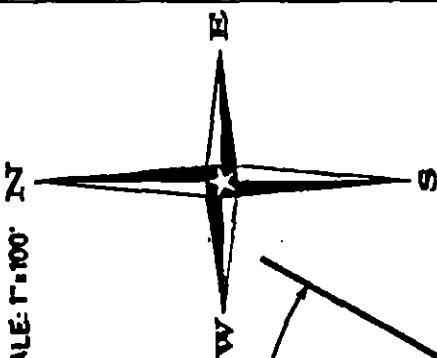


See accompanying map no. C 747090

SCALE: 1"=100'

# Legend

- Iron Rod Found
- Iron Pipe Found
- Fire Hydrant
- ⬢ Sign
- Wire Fence
- Wood Board Fence
- Overhead Utility Line
- Record Bearing and Distance

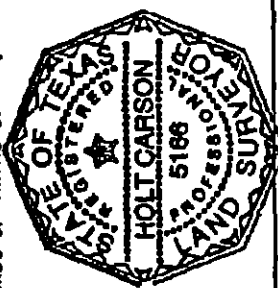


SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF 42209 SQUARE FEET OF LAND OUT OF THE JAMES TRAMMEL 1/3 LEAGUE, ABSTRACT NO. 799 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 12.92 ACRE TRACT OF LAND AS CONVEYED TO ALFRED E. FIELDER BY DEED RECORDED IN VOLUME 296, PAGE 856 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF THAT CERTAIN 12.87 ACRE TRACT OF LAND AS CONVEYED TO 2801 W. BEN WHITE BOULEVARD, INC. BY DEED RECORDED IN VOLUME 881, PAGE 74 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

PREPARED: OCTOBER 11, 2005.

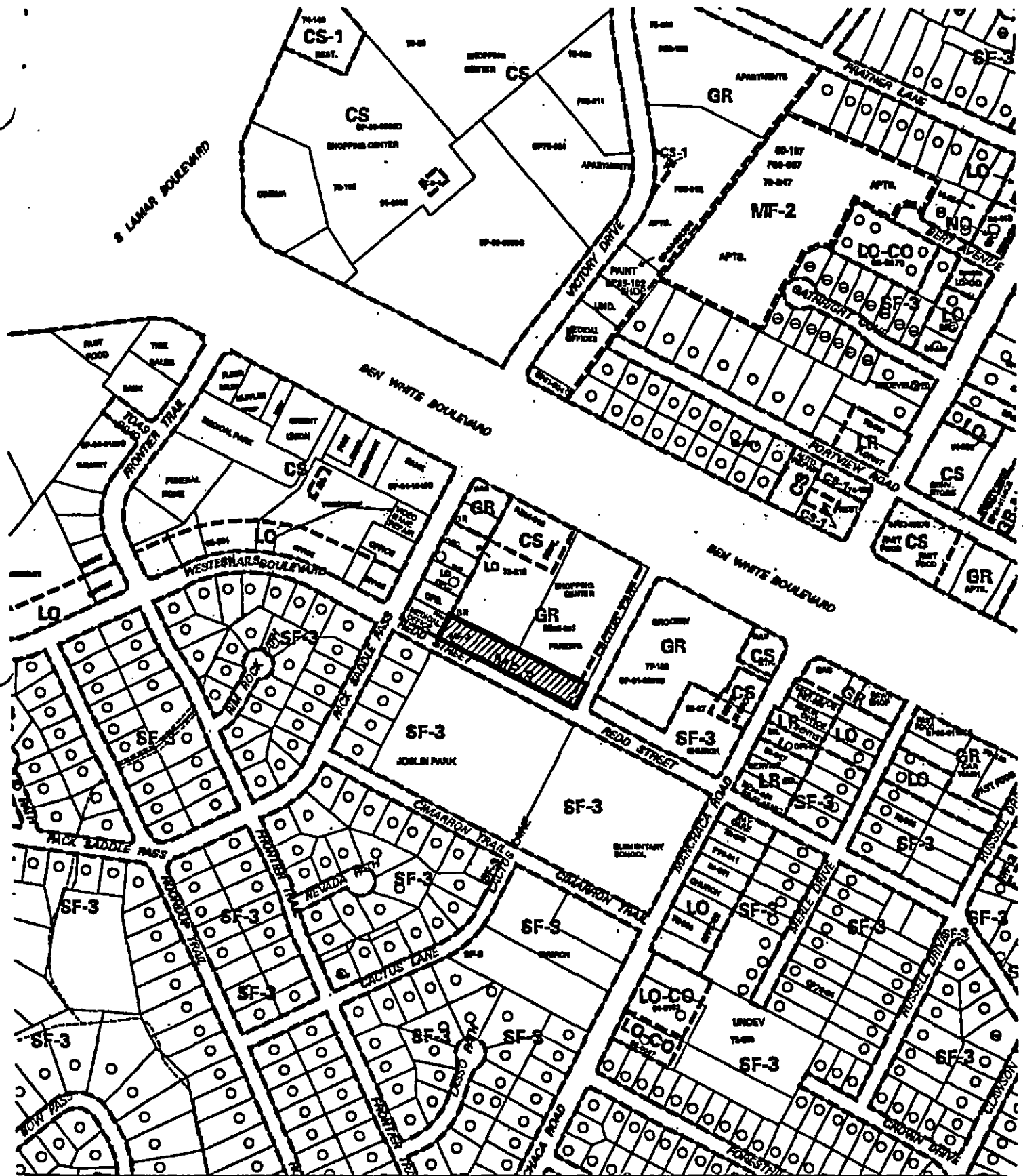
BY *Holt Carson*

Holt Carson  
Registered Professional Land Surveyor No. 5166



CARSON AND BUSH  
PROFESSIONAL SURVEYORS, INC.  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
(512) 442-0890

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SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: W.WALSH



CASE #: C14-05-0198

ADDRESS: 2101 - 2117 W BEN WHITE  
BLVD  
SUBJECT AREA (acres): 2.920

## ZONING EXHIBIT B

DATE: 05-12

INTLS: 6M

CITY GRID  
REFERENCE  
NUMBER

G19

**RESTRICTIVE COVENANT**

OWNER: 2101 W. Ben White Boulevard, Inc., a Texas corporation  
ADDRESS: 856 Shovel Mountain Rd., Cypress Mill, Texas 78663  
OWNER: Winona Fielder  
ADDRESS: 4105 Manchaca Road, Austin, Texas 78704  
CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.  
PROPERTY: A 42,209 square foot tract of land, more or less, out of the James Trammel 1/3 League, Abstract No. 769, in Travis County, the tract being more particularly described by metes and bounds in Exhibits "A" attached and incorporated into this covenant.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued if the site plan does not provide for the planting of Class I native trees each having a minimum caliper of 2 inches. The trees must be spaced 20 feet apart on center. A Class I native tree is defined under Section 3.5.1 of the Environmental Criteria Manual.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 13 day of June, 2006.

**OWNER:**

**2101 W. Ben White Boulevard, Inc.  
a Texas corporation**

By: Avalon Burrows  
Avalon Burrows,  
Secretary

**OWNER:**

**Winona Fielder**

Avalon Burrows  
Winona Fielder  
ATTORNEY-IN-FACT for  
Winona Fielder

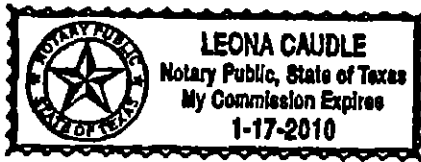
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 13<sup>th</sup> day of June, 2006, by Avalon Burrows, Secretary of 2101 W. Ben White Boulevard, Inc., a Texas corporation, on behalf of the corporation.

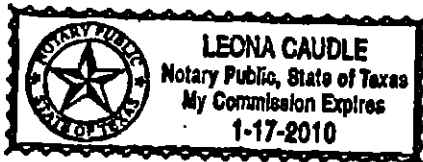


Leona Caudle  
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 13<sup>th</sup> day of June, 2006, by Winona Fielder, by Avalon Burrows, as Attorney-in-fact for Winona Fielder



Leona Caudle  
Notary Public, State of Texas

After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767  
Attention: Diana Minter, Paralegal

Restrictive covenant-2101 W. Ben White Blvd Inc

C14-05-0198

**EXHIBIT A**  
**CARSON AND BUSH**  
**PROFESSIONAL SURVEYORS, INC.**  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
TELEPHONE: (512) 442-0990  
FACSIMILE: (512) 442-1084

OCTOBER 11, 2005

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**THENCE** crossing the interior of said Fielder (2.92 acre) tract, S 60 deg 15'39" E 248.33 ft. to a point in the Southeast line of said Fielder (2.92 acre) tract, same being a point in the Northwest right-of-way line of Cactus Lane for the Northeast corner of the herein described tract;

**THENCE** with the Northwest right-of-way line of Cactus Lane, same being the Southeast line of said Fielder (2.92 acre) tract, S 29 deg 12'30" W 85.00 ft. to a point in the Southeast line of said Fielder (2.92 acre) tract, same being the record Northeast corner of that certain tract of land as conveyed to the City of Austin by Street Deed recorded in Volume 3011, Page 943 of the Deed Records of Travis County, Texas for the Southeast corner of the herein described tract, from which a 1" iron pipe found bears, S 29 deg 12'30" W 10.00 ft. and S 60 deg 16' E 2.20 ft.;

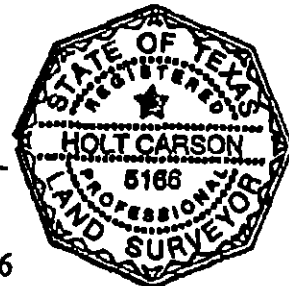
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Surveyed: August 17, 2005

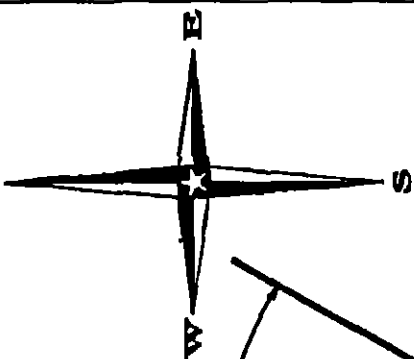
*Holt Carson*

Holt Carson  
Registered Professional Land Surveyor No. 5166

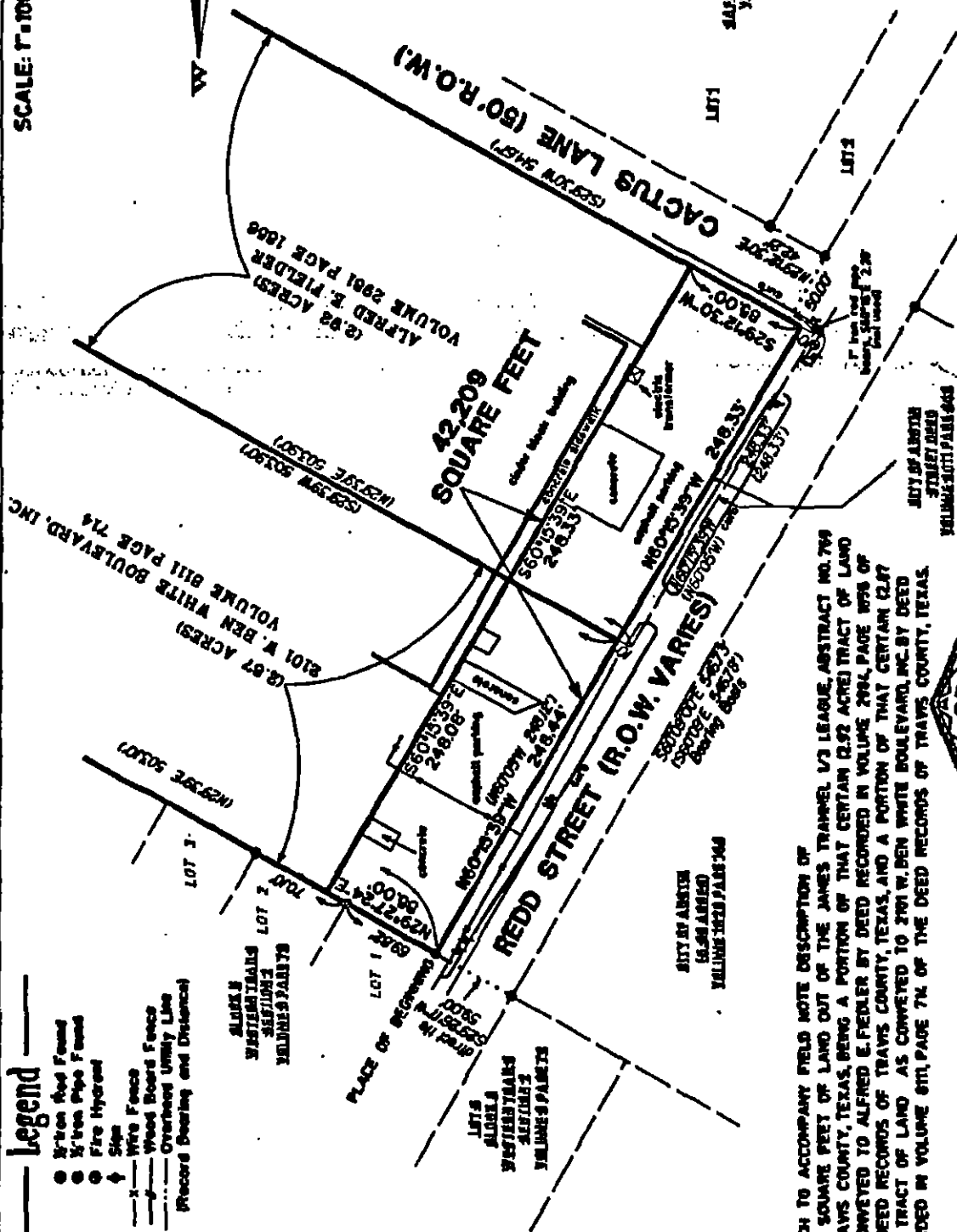


See accompanying map no. C 747090

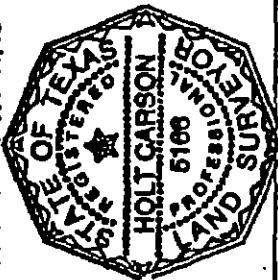
SCALE: 1"=100'



- Legend**
- Iron Rod Found
  - Iron Pipe Found
  - ⊙ Fire Hydrant
  - ↑ Sign
  - Wire Fence
  - Wood Board Fence
  - Overhead Utility Line
  - (Record Bearing and Distance)



SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF 4.2299 SQUARE FEET OF LAND OUT OF THE JAMES TRAMMEL 1/3 LEAGUE, ABSTRACT NO. 749 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 12.92 ACRE TRACT OF LAND AS CONVEYED TO ALFRED E. FIEDLER BY DEED RECORDED IN VOLUME 2942, PAGE 1958 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF THAT CERTAIN 12.87 ACRE TRACT OF LAND AS CONVEYED TO 2701 W. BEN WHITE BOULEVARD, INC. BY DEED RECORDED IN VOLUME 811, PAGE 74 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.



PREPARED: OCTOBER 11, 2005.

BY *Holt Carson*

Holt Carson  
Registered Professional Land Surveyor No. 5166

CARSON AND BUSH  
PROFESSIONAL SURVEYORS, INC.  
1904 FORTVIEW ROAD  
AUSTIN, TX 78704  
(512) 442-0980

AUSTIN FIELD SURVEYORS  
VOLUME 2942 PAGE 1958

SAJISWAY ABSTRACT NO. 12  
VOLUME 74 PAGE 202

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## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0198

**Z.P.C. DATE:** January 17, 2006  
January 31, 2006

**ADDRESS:** Northwest corner of Cactus Lane and Redd Street (also known as 2101 – 2117 West Ben White Boulevard)

**OWNER:** 2101 W. Ben White Boulevard, Inc.  
(Avalon Burrows);  
Winona Fielder

**AGENT:** Shaw Hamilton  
Consultants  
(Shaw Hamilton)

**ZONING FROM:** MF-3

**TO:** GR

**AREA:** 2.920 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. The Conditional Overlay prohibits residential treatment.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

January 17, 2006: *APPROVED A POSTPONEMENT REQUEST TO 01/31/06 (STAFF)*  
*[J. MARTINEZ; M. HAWTHORNE – 2<sup>ND</sup>] (7-0) J. GOHIL; K. JACKSON –*  
*ABSENT*

January 31, 2006: *APPROVED LO DISTRICT ZONING.*  
*[J. MARTINEZ; T. RABAGO 2<sup>ND</sup>] (8-0) J. GOHIL – ABSENT*

### **ISSUES:**

The Restrictive Covenant addresses the planting of 2-inch caliper, Class I native trees (for example, cedar elm) spaced 20 feet apart, on center. The plantings must occur prior to a change in use or the issuance of a building permit. This requirement will result in the planting of approximately 25 trees, based on the Redd Street frontage of 500 feet and the Cactus Lane frontage of 100 feet.

The Applicant would like to pursue his original request for GR zoning.

A memo from Mr. Dan Robertson, Director of Planning Services at Austin ISD is attached at the back of the Staff packet.

Should GR zoning be recommended, then in accordance with AISD policy and consistent with other zoning cases, then the Staff recommends a Conditional Overlay to prohibit the following uses: automotive rentals; automotive sales; bail bond services; drop-off

recycling collection facility; exterminating services; hotel-motel; outdoor entertainment; pawn shop services; indoor entertainment; residential treatment; and theater.

**DEPARTMENT COMMENTS:**

The subject unplatted tract serves as a parking area for the shopping center to the north, has been zoned multi-family residence – medium density (MF-3) since 1967, and is situated at the northwest corner of Cactus Lane and Redd Street. There are two driveways to Redd Street from this tract and access to Ben White Boulevard is taken through the adjacent shopping center (GR). The lots to the west are predominantly used for offices (LO), to the east there is a grocery store and church (GR, SF-3), and to the south there is the Western Trails single family residential neighborhood, Joslin Park and Joslin Elementary School (SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to develop the property with unspecified commercial uses and requests community commercial (GR) zoning. Access to the site would be from Redd Street, and also through the adjacent shopping center to Cactus Lane and Ben White Boulevard. In consideration of the tract's proximity to single family residences, the park and the AISD – Joslin Elementary School, and access to Redd Street, a collector roadway, the Staff recommends neighborhood commercial (LR-CO) district zoning. LR zoning will establish a land use transition between the commercial uses oriented towards Ben White Boulevard and the Western Trails subdivision, with a Conditional Overlay to prohibit residential treatment, in accordance with an expressed AISD policy for zoning requests that are in close proximity to elementary schools.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	MF-3	Parking area for the adjacent shopping center
<i>North</i>	GR; CS	Shopping center; Restaurant (general)
<i>South</i>	SF-3	Single family residences; Joslin Park; Joslin Elementary School
<i>East</i>	GR; SF-3; CS	Grocery store; Church; Service station; Food sales
<i>West</i>	LO; CS; CS-1	Offices – medical and professional; Video game repair; Financial services; Warehouse; Restaurant; Pawn shop

**AREA STUDY:** N / A

**TIA:** Is not required

**WATERSHED:** Williamson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

378 – Western Trails Neighborhood Association

384 – Save Barton Creek Association                      385 – Barton Springs Coalition  
 428 – Barton Springs / Edwards Aquifer Conservation District  
 446 – Westgate Boulevard / Jones Road Neighborhood Association  
 511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District                      943 – Save Our Springs Alliance

**SCHOOLS:**

Joslin Elementary School      Porter Middle School      Crockett High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0087 – 4611 Manchaca Road	SF-3 to LO	Granted LO-CO with CO for maximum building cover – 35%, impervious cover – 60%, maximum height 35 feet, 2 stories, maximum F.A.R. –0.11 to 1, 300 trips and list of prohibited uses.	Approved LO-CO as ZAP recommended (8- 4-05).
C14-04-0152 – 4607 Manchaca Road	SF-3 to LO	Granted as requested	Approved LO-CO with the CO limiting the F.A.R. to the existing building square footage; medical offices as the only LO use and all NO, Neighborhood Office uses; all NO development standards and 300 vehicle trips (1-13-05).
C14-04-0093 – Woodlawn Baptist Church	SF-3 to GO-CO, as amended	Case expired	Not applicable

**RELATED CASES:**

The property has been zoned for multi-family residence purposes since 1967. A 1986 Rezoning Site Plan known as Highland Center identifies the rezoning area as “existing asphalt”, and adjacent areas to the north for personal services, retail services and parking areas (RZ-85-081). Please refer to Exhibit B.

**ABUTTING STREETS:**

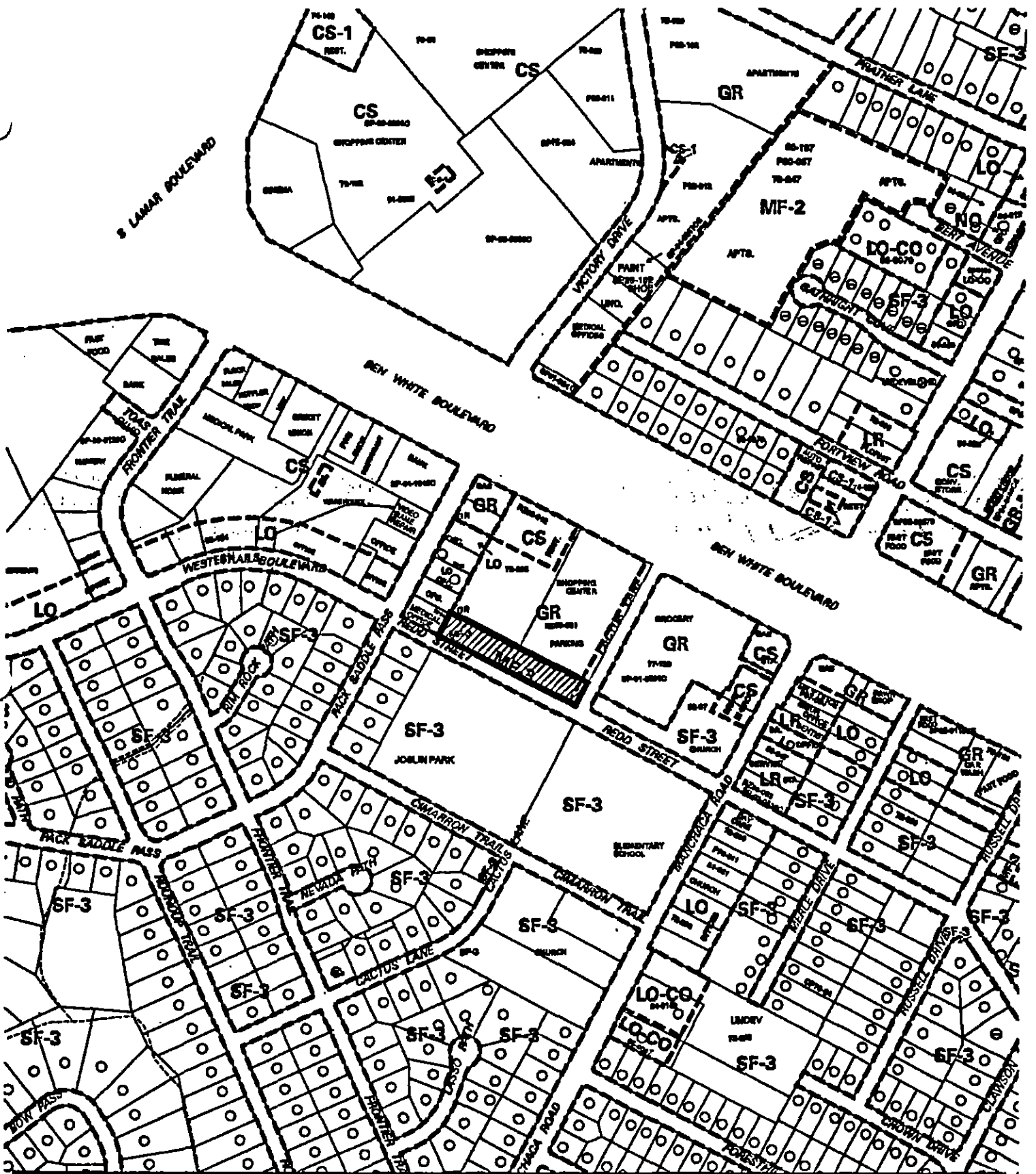
NAME	ROW	PAVEMENT	CLASSIFICATION
Ben White Boulevard	365 feet	Varies	Major Arterial
Cactus Lane	65 feet	34 feet	Collector
Redd Street	50 feet	28 feet	Collector

**CITY COUNCIL DATE:** March 2, 2006**ACTION:** Approved GR-CO district zoning with the CO to address automotive sales as the only permitted GR use and all LR uses.

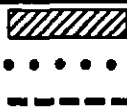
The Applicant and Staff will work together on a Restrictive Covenant addressing landscaping along Redd Street and Cactus Lane, on First Reading (7-0).

June 22, 2006

**ORDINANCE READINGS:** 1<sup>st</sup> March 2, 2006 2<sup>nd</sup> 3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us**PHONE:** 974-7719



SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: W.WALSH



CASE #: C14-05-0198

ADDRESS: 2101 - 2117 W BEN WHITE

BVD  
SUBJECT AREA (acres): 2.920

ZONING

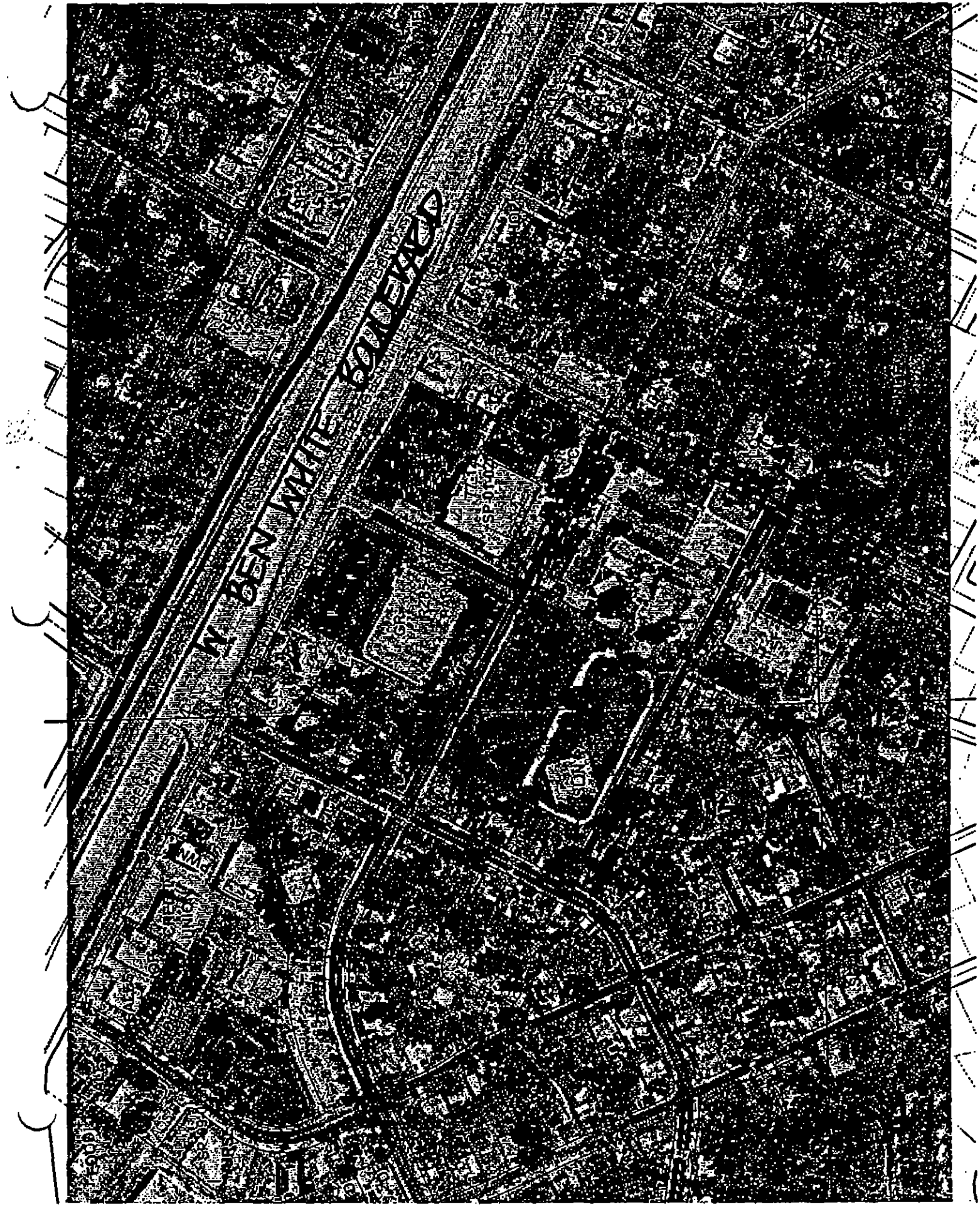
Exhibit A

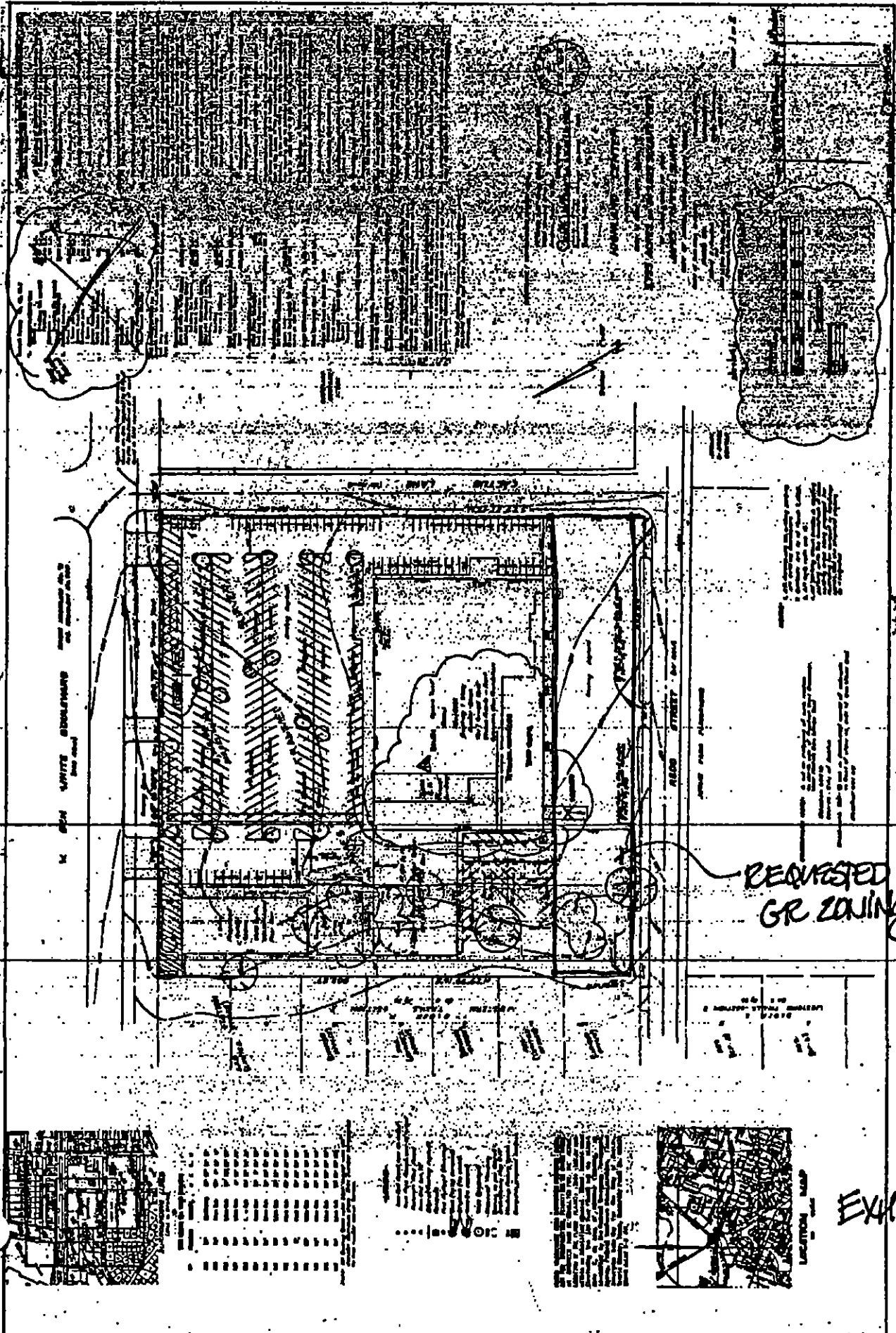
DATE: 05-12

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER

G19





REQUESTED  
GR ZONING

EXHIBIT B

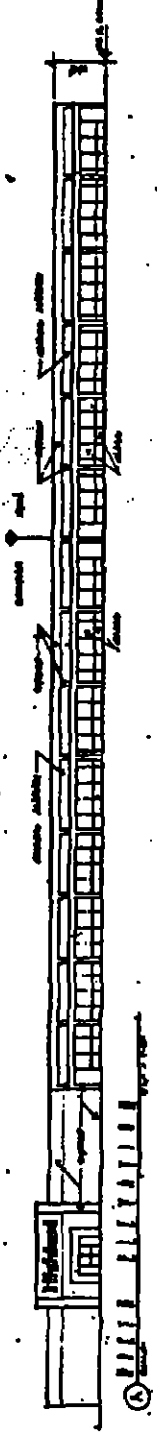
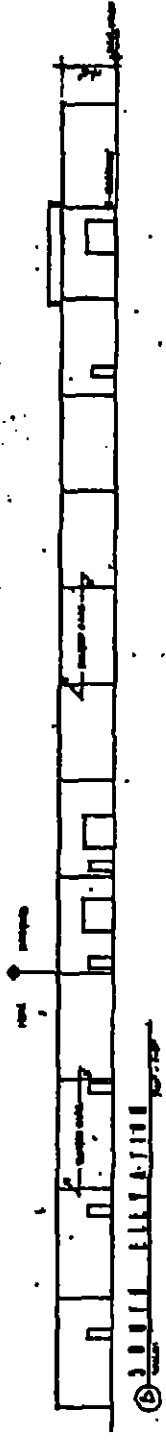
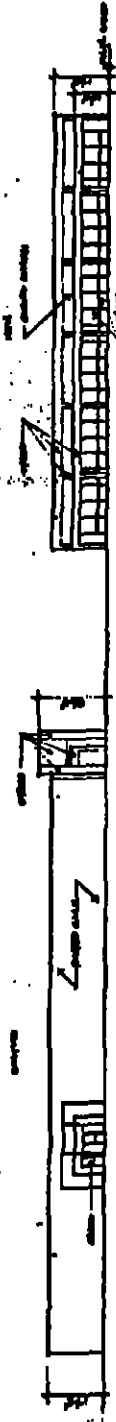
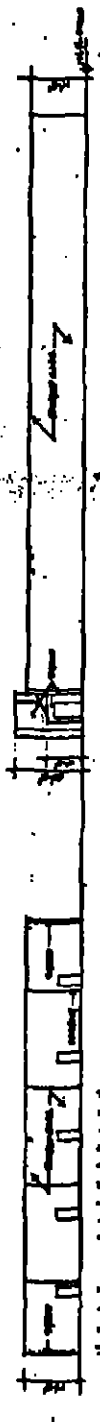
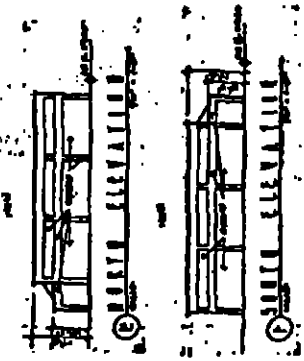
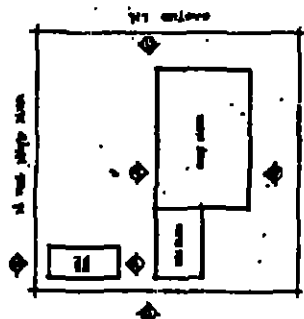
100-55-22

ARCHITECTS PLANNING CONSULTANTS  
CROFT ASSOCIATES  
EVER SEE BAYVIEW BL. AUSTIN, TEXAS



APPROVED BY ARCHITECT  
DATE 10/1/68

# FIRST FLOOR PLAN



**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. The Conditional Overlay prohibits residential treatment.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The GR, Community Commercial district is intended for an office or other commercial use that serves neighborhood and community needs and is generally accessible from major traffic ways.

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

In consideration of the tract's proximity to single family residences, the park and the AISD – Joslin Elementary School, and access to Redd Street, a collector roadway, the Staff recommends neighborhood commercial (LR-CO) district zoning. LR zoning will establish a land use transition between the commercial uses oriented towards Ben White Boulevard and the Western Trails subdivision, with a Conditional Overlay to prohibit residential treatment, in accordance with an expressed AISD policy for zoning requests that are in close proximity to elementary schools.

**EXISTING CONDITIONS****Site Characteristics**

The property is developed with a parking lot. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the GR or LR zoning district would be 80%, which is a consistent figure between the watershed and the zoning regulations.

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

This site is currently developed with a parking lot.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 3,874 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because there is an existing RZ site plan for this site. If and when a revision is submitted to this plan, trip generation will be reanalyzed and a traffic impact analysis may be required at that time.

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, and utility adjustments. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

**Compatibility Standards**

The site is subject to compatibility standards. Along the east and south property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.

# Austin ISD

**Date:** 1/17/06

**To:** Wendy Walsh City of Austin, Development Review and Inspection

**Cc:** Curt Shaw, Director of Construction Management

**From:** Dan Robertson, Director of Planning Services

**RE:** Development Review of C14-05-0198

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Wendy -

AISD has no objection to the rezoning of the frontage on this tract from MF-3 to GR. As you know, it has long been our practice to allow GR in proximity to elementary schools and there are several examples of GR adjacent to Joslin Elementary at this time.

DR

I HAVE NO OBJECTION TO THE ZONING FROM

MF-3 TO GR AT 2101 WEST BEN WHITE BLVD.

\* C14-05-0198

OWNERS: 4502 Baccusale Rd. Glenn Howard

4503

Irma Berenguel

4/14-05-0198

2101 WEST BEN WHITE BLVD.

I HAVE NO OBJECTION TO THE ZONING REQUEST FROM  
"MF-3" TO "GR" FOR THE PROPERTY LOCATED AT 2101 WEST BEN WHITE

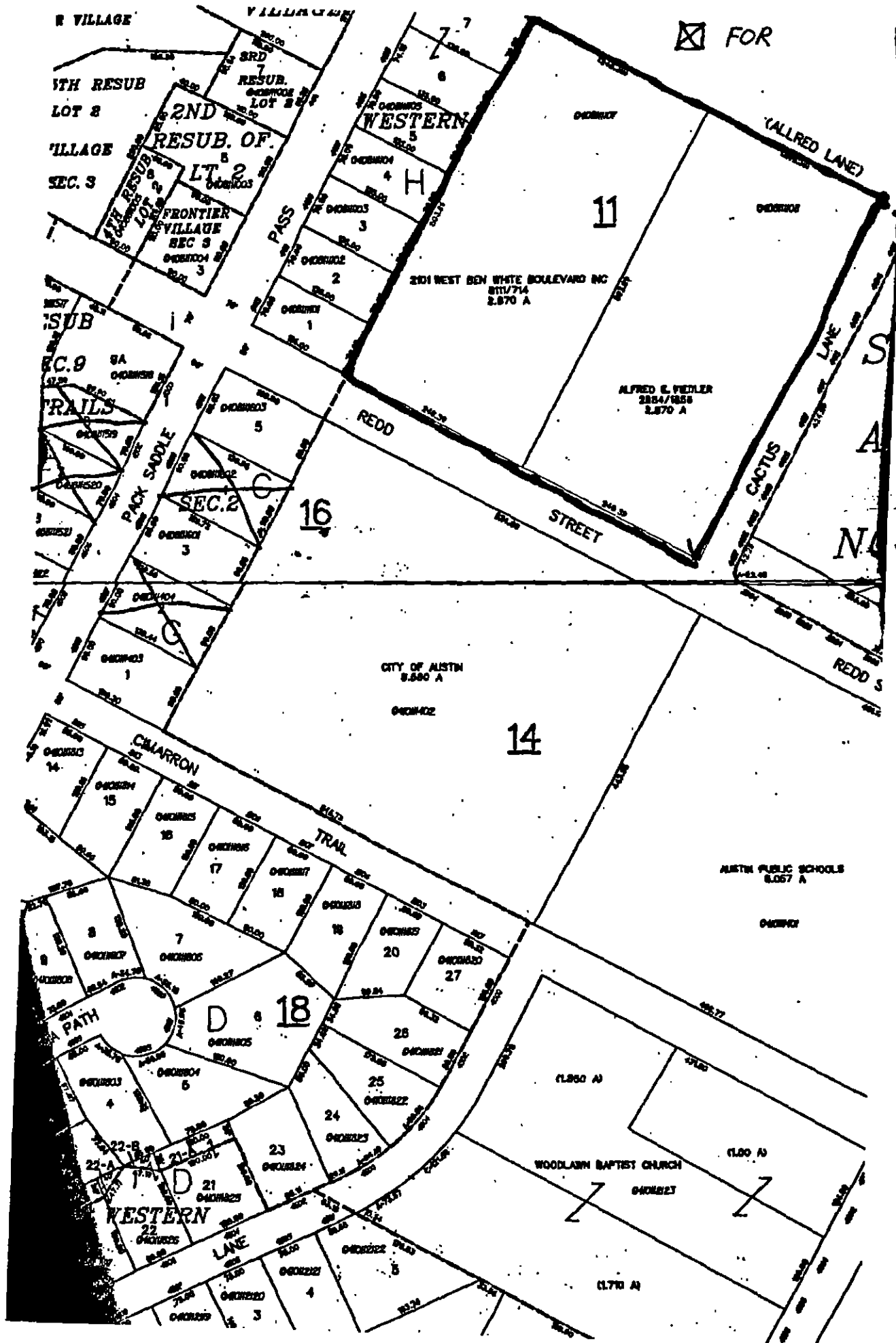
OWNER	RENTER	ADDRESS	PRINTED NAME	SIGNATURE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4507 PACK SADDLE PASS	TERRIE MILLS DIRKS	<i>Terrie Mills Dirks</i>
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

K/4-05-0198

2101 WEST BEN WHITE BLVD.

I HAVE NO OBJECTION TO THE ZONING REQUEST FROM  
"MF-3" TO "GR" FOR THE PROPERTY LOCATED AT 2101 WEST BEN WHITE

OWNER	RENTER	ADDRESS	PRINTED NAME	SIGNATURE
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4504 Park Saddle Pass		Lorayne Barr or Mrs Robert A. Barr
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			



R VILLAGE

VILLAGE

☒ FOR

TH RESUB  
LOT 2

VILLAGE  
SEC. 3

2ND  
RESUB. OF

LT. 2  
FRONTIER  
VILLAGE  
SEC. 3

WESTERN

11

(ALLRED LANE)

201 WEST BEN WHITE BOULEVARD INC  
8111/714  
2.870 A

ALFRED E. FIEDLER  
2854/1858  
2.870 A

SUB

EC. 9

TRAILS

SEC. 2

16

REDD

STREET

CACTUS

REDD S

CITY OF AUSTIN  
8.680 A

0408102

14

CHARRON

TRAIL

AUSTIN PUBLIC SCHOOLS  
6.057 A

0408102

18

PATH

WESTERN

D

WOODLAWN BAPTIST CHURCH

0408102

(1.770 A)

**17. Rezoning:** C14-05-0198 - Highland Center  
**Location:** Northwest corner of Cactus Lane and Redd Street (also known as 2101 - 2117 West Ben White Boulevard), West Bouldin Creek Watershed  
**Owner/Applicant:** Winona Fielder and 2101 West Ben White Boulevard, Inc. (Alfred E. Fielder, Jr.)  
**Agent:** Shaw Hamilton Consultants (Shaw Hamilton)  
**Postponements:** Postponed from 01/17/06 (staff)  
**Request:** MF-3 to GR  
**Staff Rec.:** RECOMMENDATION OF LR-CO  
**Staff:** Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us  
Neighborhood Planning & Zoning Department

**APPROVED LO DISTRICT ZONING.**

**[J.MARTINEZ; T.RABAGO 2<sup>ND</sup>] (8-0) J.GOHIL - ABSENT**

**SUMMARY**

*Wendy Walsh, staff, gave staff presentation.*

*Commissioner Jackson - How deep is this MF-3 tract?*

*Ms. Walsh - As I recall, its 70-feet.*

*Shaw Hamilton, representing his client - He's basically trying to zone this property as like the rest of the tract. It was zoned MF-3 back in 1967, staff states that they have no objections to these land uses, it is under just one ownership.*

*Commissioner Baker - What is the depth of that LO zoning on Western Trails?*

*Ms. Walsh - I'm going to guess about 100-feet.*

**FAVOR**

*No Speakers.*

**OPPOSITION**

*No Speakers.*

*Commissioner Martinez and Rabago moved to close the public hearing.*

*Commissioner Baker - I'm going to try something and hopefully someone will make a motion. In looking at this and knowing the area, I don't have a problem with LO zoning; to down zone that. But Redd Street is a very narrow and windy street; there's a school across the street. That's my personal opinion and I'm pleased that staff recommended denial; I can't see GR.*

*Commissioner Martinez - I make a motion to approve LO-CO with the trip limitation.*

*Commissioner Rabago – Second.*

*Commissioner Baker – Plus the residential treatment.*

*Ms. Walsh – If it's going to be LO, residential treatment is not permitted; so you won't need to prohibit it.*

*Commissioner Baker – So you won't have a trip problem.*

*Ms. Walsh – No, we won't have a trip problem.*

*Commissioner Baker – Not even if we all come out of the shopping center?*

*Ms. Walsh – That's right; there is an existing rezoning site plan on this, so they will reanalyze the trip generation at that time of a future subdivision or site plan.*

*Commissioner Baker – So the motion is to approve LO zoning?*

*Commissioner Martinez – Yes, LO zoning.*

*Commissioner Rabago – And I'm the second.*

*Motion carried. (8-0)*

<b>18. Zoning:</b>	<b>C814-04-0187.SH - Goodnight Ranch PUD</b>
<b>Location:</b>	East side of Old Lockhart Highway, between Nuckols Crossing Road and Capitol View Drive, Onion Creek Watershed
<b>Owner/Applicant:</b>	MVE Venture, Ltd. (Dean Goodnight); Bradsher Family Trust (Jack Bradsher)
<b>Agent:</b>	Momark Development (Terry Mitchell)
<b>Request:</b>	I-RR to PUD
<b>Staff Rec.:</b>	RECOMMENDATION OF PUD, WITH CONDITIONS
<b>Staff:</b>	Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us Neighborhood Planning and Zoning Department

**A COMMITTEE WAS CREATED TO FURTHER ASSESS THIS APPLICATION. THE COMMITTEE IS COMPOSED OF COMMISSIONERS HAMMOND, RABAGO, MARTINEZ, JACKSON AND HALE; PLUS ZONING, LEGAL AND TRANSPORTATION STAFF. COMMISSIONER JACKSON IS THE COMMITTEE'S CHAIRPERSON.**

**THE COMMITTEE WILL GIVE A REPORT AT THE FEBRUARY 21, 2006, ZAP COMMISSION MEETING. RE-NOTIFICATION WILL OCCUR PRIOR TO PLACING THIS ITEM BACK ON THE AGENDA.**

**[J.MARTINEZ; S.HALE 2<sup>ND</sup>] (8-0) J.GOHIL – ABSENT**